

NS
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

**ENTERED
Office of Proceedings**

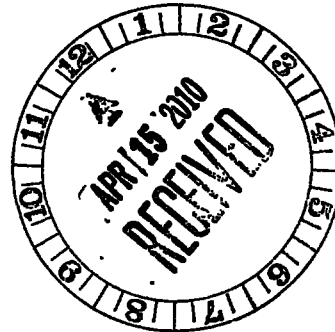
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**Part of
Public Record**

April 9, 2010



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Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: STB Docket No. AB-290 (Sub. No. 267X), Norfolk Southern Railway
Company Abandonment - in Kanawha County, West Virginia

Request to Withdraw Notice of Exemption and Discontinue Proceeding

Dear Ms. Brown:

Norfolk Southern Railway Company ("NSR") requests leave to withdraw the notice of exemption filed July 26, 2006 in this proceeding. NSR further requests that the Board dismiss this proceeding, without prejudice. Also to the extent required, NSR requests that the Board treat this letter as a motion for the requested leave to withdraw the notice of exemption and dismissal of the proceeding.

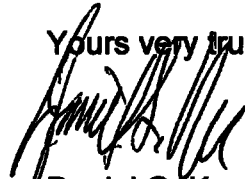
In a decision served August 15, 2006, the Board served notice of NSR's filing of a verified notice of exemption for the abandonment of a 12.22-mile line of railroad between milepost TP 14.69 at Blue Creek, and milepost TP 26.91 at Acup (Sanderson), in Kanawha County, West Virginia. The environmental and historic conditions imposed by the Board are still outstanding and the abandonment has not been consummated.

In the meantime, NSR has entered into an agreement to lease the line (along with another adjacent section not involved in the abandonment) to the Charleston, Blue Creek and Sanderson Railway Company for continued operation as a line of railroad. That transaction was authorized by the Board in Finance Docket No. 33153 and the lease was effective on December 31, 2009.

Because railroads are not compelled to abandon lines by the grant of the Board's authority or exemption, the Board normally grants a railroad's motion to withdraw its application, petition or notice of abandonment authority or exemption.¹ Thus, withdrawal of the notice of exemption and dismissal of this proceeding is justified by the facts and is consistent with Board precedent.

Therefore, NSR requests that the Board permit NSR's withdrawal of the notice of exemption in this proceeding and dismiss the proceeding without prejudice.

Yours very truly,



Daniel G. Kruger

DGK/kch

¹ *Norfolk Southern Railway Company – Abandonment Exemption – in Bergen County, NJ*, STB Docket No. AB-290 (Sub-No. 288X) (STB served May 14, 2008); *Reading Blue Mountain and Northern Railroad Company – Abandonment Exemption – in Schuylkill County, PA*, STB Docket No. AB-996 (STB served February 5, 2008); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – in Somerset County, PA*, STB Docket No. AB-290 (Sub-No. 298X) (STB served September 20, 2007); *The Cincinnati, New Orleans and Texas Pacific Railway Company – Abandonment Exemption – in Scott County, TN*, STB Docket No. AB-290 (Sub-No. 279X) (STB served April 24, 2007); *Norfolk Southern Railway Company – Abandonment Exemption – in Lorain County, OH*, STB Docket No. AB-290 (Sub-No. 268X) (STB served October 25, 2006) and other earlier decisions.